

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

PATRICIA MCLEAD AND PATRICK §  
MCLEAD, INDIVIDUALLY AND AS §  
REPRESENTATIVE OF THE ESTATE OF §  
GARRETT MCLEAD, DECEASED; JANICE §  
BELL AND RICKEY BELL, INDIVIDUALLY §  
AND AS REPRESENTATIVE OF THE §  
ESTATE OF RICKEY BELL, DECEASED; §  
PAULA BOUFFARD AND STEVE §  
BOUFFARD, INDIVIDUALLY AND AS §  
REPRESENTATIVE OF THE ESTATE OF §  
JEREMY BOUFFARD, DECEASED; §  
AMANDA BOUFFARD, INDIVIDUALLY, AS §  
REPRESENTATIVE OF THE ESTATE OF §  
JEREMY BOUFFARD, DECEASED, AND AS §  
NEXT FRIEND OF CB, A MINOR; MARIAN §  
STOCKHAUSEN, INDIVIDUALLY AND AS §  
REPRESENTATIVE OF THE ESTATE OF §  
PHILLIP BRODNICK, DECEASED; LISA §  
DOBOGAI AND DAVID DOBOGAI, §  
INDIVIDUALLY AND AS REPRESENTATIVE §  
OF THE ESTATE OF DEREK DOBOGAI, §  
DECEASED; PATRICIA FLYNN AND §  
DELENO FLYNN, INDIVIDUALLY AND AS §  
REPRESENTATIVE OF THE ESTATE OF §  
PAUL JOSHUA FLYNN, DECEASED; §  
DUSTIN JACKSON, AS NEXT FRIEND OF §  
MF, A MINOR; DONNA HARMON AND §  
RICHARD HARMON, INDIVIDUALLY AND §  
AS REPRESENTATIVE OF THE ESTATE OF §  
JOSHUA HARMON, DECEASED; MARY §  
ANN HOOK AND LARRY HOOK, §  
INDIVIDUALLY AND AS REPRESENTATIVE §  
OF THE ESTATE OF MICHAEL HOOK, §  
DECEASED; SUSAN FETTERMAN, AS NEXT §  
FRIEND OF MMAH, A MINOR; PEGGY §  
HUBBARD AND JEFF HUBBARD, §  
INDIVIDUALLY AND AS REPRESENTATIVE §  
OF THE ESTATE OF NATHAN HUBBARD, §  
DECEASED; JASON HUBBARD, §  
INDIVIDUALLY; KIM BILBREY, §  
INDIVIDUALLY AND AS REPRESENTATIVE §  
OF THE ESTATE OF JASON PATON, §  
DECEASED; ROBERT PATON, §  
INDIVIDUALLY; GUY POLLARD, §

CIVIL ACTION NO. \_\_\_\_\_

INDIVIDUALLY AND AS REPRESENTATIVE §  
 OF THE ESTATE OF JESSY POLLARD, §  
 DECEASED; LEE ANN SEIDEMAN AND §  
 WILLIAM SEIDEMAN, INDIVIDUALLY AND §  
 AS REPRESENTATIVE OF THE ESTATE OF §  
 TYLER SEIDEMAN, DECEASED; AND §  
 VIRGINIA TALLMAN, INDIVIDUALLY; §  
 NICOLE TALLMAN, INDIVIDUALLY, AS §  
 REPRESENTATIVE OF THE ESTATE OF §  
 MATHEW TALLMAN, DECEASED, AND AS §  
 NEXT FRIEND OF MT AND ST, MINORS; §  
 AND JENNIFER TYLER, INDIVIDUALLY §  
 AND AS REPRESENTATIVE OF THE §  
 ESTATE OF CORRY PAUL TYLER, §  
 DECEASED §

Plaintiffs §

v. §

L-3 COMMUNICATIONS VERTEX §  
 AEROSPACE, LLC, §

Defendant. §

# **PLAINTIFFS' ORIGINAL COMPLAINT**

Plaintiffs PATRICIA MCLEAD AND PATRICK MCLEAD, INDIVIDUALLY AND  
 AS REPRESENTATIVE OF THE ESTATE OF GARRETT MCLEAD, DECEASED; JANICE  
 BELL AND RICKEY BELL, INDIVIDUALLY AND AS REPRESENTATIVE OF THE  
 ESTATE OF RICKEY BELL, DECEASED; PAULA BOUFFARD AND STEVE BOUFFARD,  
 INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JEREMY  
 BOUFFARD, DECEASED, AMANDA BOUFFARD, INDIVIDUALLY, AS  
 REPRESENTATIVE OF THE ESTATE OF JEREMY BOUFFARD, DECEASED, AND AS  
 NEXT FRIEND OF CB, A MINOR; MARIAN STOCKHAUSEN, INDIVIDUALLY AND AS  
 REPRESENTATIVE OF THE ESTATE OF PHILLIP BRODNICK, DECEASED; LISA  
 DOBOGAI AND DAVID DOBOGAI, INDIVIDUALLY AND AS REPRESENTATIVE OF  
 THE ESTATE OF DEREK DOBOGAI, DECEASED; PATRICIA FLYNN AND DELENO

FLYNN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PAUL JOSHUA FLYNN, DECEASED; DUSTIN JACKSON, AS NEXT FRIEND OF MF, A MINOR; DONNA HARMON AND RICHARD HARMON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JOSHUA HARMON, DECEASED; MARY ANN HOOK AND LARRY HOOK, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF MICHAEL HOOK, DECEASED; SUSAN FETTERMAN, AS NEXT FRIEND OF MMAH, A MINOR; PEGGY HUBBARD AND JEFF HUBBARD, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF NATHAN HUBBARD, DECEASED; JASON HUBBARD, INDIVIDUALLY; KIM BILBREY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JASON PATON, DECEASED; ROBERT PATON, INDIVIDUALLY; GUY POLLARD, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JESSY POLLARD, DECEASED; LEE ANN SEIDEMAN AND WILLIAM SEIDEMAN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF TYLER SEIDEMAN, DECEASED; AND VIRGINIA TALLMAN, INDIVIDUALLY; NICOLE TALLMAN, INDIVIDUALLY, AS REPRESENTATIVE OF THE ESTATE OF MATHEW TALLMAN, DECEASED, AND AS NEXT FRIEND OF MT AND ST, MINORS; AND JENNIFER TYLER, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CORRY PAUL TYLER, DECEASED file this Original Complaint against Defendant L-3 COMMUNICATIONS VERTEX AEROSPACE, LLC.

**I.  
PARTIES**

- a. Plaintiffs PATRICIA MCLEAD and PATRICK MCLEAD are individuals who reside in the state of Texas.
- b. Plaintiffs JANICE BELL and RICKEY BELL are individuals who reside in the state of Missouri.

c. Plaintiffs PAULA BOUFFARD and STEVE BOUFFARD are individuals who reside in the state of Massachusetts.

d. Plaintiffs AMANDA BOUFFARD and CB are individuals who reside in the state of Maine.

e. Plaintiff MARIAN STOCKHAUSEN is an individual who resides in the state of Illinois.

f. Plaintiffs LISA DOBOGAI and DAVID DOBOGAI are individuals who reside in the state of Wisconsin.

g. Plaintiffs PATRICIA FLYNN and DELENO FLYNN are individuals who reside in the state of North Carolina.

h. Plaintiffs DUSTIN JACKSON and MF are individuals who reside in the state of Tennessee.

i. Plaintiffs DONNA HARMON and RICHARD HARMON are individuals who reside in the state of Ohio.

j. Plaintiffs MARY ANN HOOK is an individual who resides in the state of Pennsylvania.

k. Plaintiff LARRY HOOK is an individual who resides in the state of New Jersey.

l. Plaintiffs SUSAN FETTERMAN and MMAH are individuals who reside in the state of Pennsylvania.

m. Plaintiffs PEGGY HUBBARD, JEFF HUBBARD, and JASON HUBBARD are individuals who reside in the state of California.

n. Plaintiff KIM BILBREY is an individual who resides in the state of California.

o. Plaintiff ROBERT PATON is an individual who resides in the state of California.

p. Plaintiff GUY POLLARD is an individual who resides in the state of Michigan.

q. Plaintiffs LEE ANN SEIDEMAN and WILLIAM SEIDEMAN are individuals who reside in the state of Arkansas.

p. Plaintiff VIRGINIA TALLMAN is an individual who resides in the state of California.

q. Plaintiffs NICOLE TALLMAN, MT, and ST are individuals who reside in the state of Michigan.

r. Jennifer Tyler is an individual who resides in the state of Georgia.

s. Defendant L-3 COMMUNICATIONS VERTEX AEROSPACE, LLC is a Delaware corporation with its principal place of business in Mississippi. It may be served with citation by service on its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

## **II. JURISDICTION**

This Court has personal jurisdiction over the parties. The Court also has subject matter jurisdiction under 28 U.S.C. §1332 as there is diversity of citizenship and the damages exceed \$75,000.

## **III. VENUE**

Venue is proper under 28 U.S.C. §1391(a)(1) and (c) since Defendant is subject to personal jurisdiction and thus resides in the Western District of Texas. Alternatively, venue is proper under §1391(a)(3).

#### **IV. FACTS**

a. Plaintiffs are family members of fourteen American servicemen (the “Servicemen”) who were killed as a result of the crash of a Blackhawk helicopter (the “Helicopter”) near Kirkuk, Iraq, on August 22, 2007 (the “Crash”). A list of the Servicemen and the corresponding Plaintiffs is attached as Exhibit A.

b. The Helicopter had just been through a significant maintenance procedure known as a Phased Maintenance Inspection -1 (“PMI-1”). The PMI-1 had been performed and/or supervised by agents or employees of Defendant L-3 Communications Vertex Aerospace, LLC.

c. During the PMI-1, a foreign object was left in the Helicopter by the mechanic(s). On information and belief, this object was a safety wire spool (the “Spool”). The Spool (or other foreign object) should not have been left in the Helicopter.

d. The Spool (or other foreign object) migrated aft (rearward) between the tail rotor driveshaft and the cowling (housing) around the driveshaft. The Spool (or other foreign object) became wedged between the cowling and the driveshaft as the driveshaft was turning at high RPMs, causing circumferential gouging of the driveshaft.

e. The Helicopter was sent on a mission with a four-member crew to pick up ten servicemen who had been at an observation post. After landing to pick up the ten servicemen, the Helicopter lifted off the ground, to a height of 100 to 150 feet. The driveshaft then failed due to the circumferential gouging that had occurred. The driveshaft failure caused a loss of control of the Helicopter, and the Helicopter crashed. All fourteen of the persons on the Helicopter were killed in the Crash.

f. Plaintiff Jason Hubbard witnessed the Crash and the death of his brother, Nathan Hubbard.

g. An investigation of the Crash, including inspection and laboratory testing of the driveshaft and the safety wire spool, was conducted at the Corpus Christi Army Depot.

**V.  
CAUSES OF ACTION**

a. The mechanic(s) who performed and/or supervised the PMI-1 were negligent. More specifically, they were negligent in leaving the Spool or other foreign object in the Helicopter and/or in failing to discover that it had been left in the Helicopter.

b. Despite knowledge that foreign objects (including safety wire spools) could be left in flight-critical parts of helicopters during maintenance procedures, Defendant L-3 Communications Vertex Aerospace, LLC negligently failed to adopt and/or enforce adequate policies to prevent such an event from occurring.

c. All such negligence was a proximate cause of the Crash, the deaths of the Servicemen, and Plaintiffs' damages.

d. The mechanic(s) and supervisor(s) were acting in the course and scope of their agency or employment with Defendant L-3 Communications Vertex Aerospace, LLC at all relevant times. Defendant L-3 Communications Vertex Aerospace, LLC is vicariously liable for their negligence and the resulting damages.

**VI.  
COMPENSATORY DAMAGES**

a. Plaintiffs seek all damages and all elements of damage which are recoverable as a result of the deaths of the Servicemen. Such damages include (i) wrongful death damages of past and future mental anguish, loss of companionship and society, loss of pecuniary contributions and loss of inheritance and (ii) pain and suffering, mental anguish, and funeral and burial expenses on behalf of the estates of the Servicemen.

b. Plaintiff Jason Hubbard also seeks recovery of bystander damages of mental anguish as a result of witnessing the death of his brother, Nathan Hubbard.

c. Plaintiffs also seek recovery of all allowable prejudgment and post judgment interest.

## **VII. PUNITIVE DAMAGES**

The conduct of Defendant L-3 Communications Vertex Aerospace, LLC specified above was gross negligence. Specifically, Defendant knew that foreign objects (including safety wire spools) could be left in flight-critical parts of helicopters during maintenance procedures, but it failed to adopt and/or reinforce adequate policies to prevent such an event from occurring. This failure constituted gross negligence. As a result, Plaintiffs also seek recovery of punitive damages.

## **VIII. REQUEST FOR JURY TRIAL**

Plaintiffs request that this case be tried before a jury.

## **IX. PRAYER**

Plaintiffs pray that they recover their compensatory damages from Defendants, and all allowable prejudgment and postjudgment interest, and punitive damages, and that they have such other relief to which they are entitled.



Respectfully submitted,

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So. District Bar No. 1617

ATTORNEYS FOR PLAINTIFFS

**EXHIBIT A**

<b><u>DECEDENT</u></b>	<b><u>PLAINTIFF</u></b>	<b><u>RELATIONSHIP</u></b>
<b>Rickey Bell</b>	<b>Janice Bell</b> <b>Rickey Bell</b>	<b>Mother</b> <b>Father</b>
<b>Jeremy Bouffard</b>	<b>Paula Bouffard</b> <b>Steve Bouffard</b> <b>Amanda Bouffard</b> <b>CB (minor)</b>	<b>Mother</b> <b>Father</b> <b>Spouse</b> <b>Child</b>
<b>Phillip Brodnick</b>	<b>Marian Stockhausen</b>	<b>Mother</b>
<b>Derek Dobogai</b>	<b>Lisa Dobogai</b> <b>David Dobogai</b>	<b>Father</b> <b>Mother</b>
<b>Paul Joshua Flynn</b>	<b>Patricia Flynn</b> <b>Deleno Flynn</b> <b>MF (minor)</b>	<b>Father</b> <b>Mother</b> <b>Son</b>
<b>Joshua Harmon</b>	<b>Donna Harmon</b> <b>Richard Harmon</b>	<b>Mother</b> <b>Father</b>
<b>Michael Hook</b>	<b>Mary Ann Hook</b> <b>Larry Hook</b> <b>MMAH (minor)</b>	<b>Mother</b> <b>Father</b> <b>Child</b>
<b>Nathan Hubbard</b>	<b>Peggy Hubbard</b> <b>Jeff Hubbard</b> <b>Jason Hubbard</b>	<b>Mother</b> <b>Father</b> <b>Brother/Bystander</b>
<b>Garrett McLead</b>	<b>Patricia McLead</b> <b>Patrick McLead</b>	<b>Mother</b> <b>Father</b>
<b>Jason Paton</b>	<b>Kim Bilbrey</b> <b>Robert Paton</b>	<b>Mother</b> <b>Father</b>
<b>Jessy Pollard</b>	<b>Guy Pollard</b>	<b>Father</b>
<b>Tyler Seideman</b>	<b>Lee Ann Seideman</b> <b>William Seideman</b>	<b>Mother</b> <b>Father</b>
<b>Mathew Tallman</b>	<b>Virginia Tallman</b> <b>Nicole Tallman</b> <b>MT (minor)</b> <b>ST (minor)</b>	<b>Mother</b> <b>Spouse</b> <b>Child</b> <b>Child</b>
<b>Corry Paul Tyler</b>	<b>Jennifer Tyler</b>	<b>Mother</b>